

REMARKS

Claims 1 - 17 and 19 - 26 are in the application and are presented for consideration. Claim 14 has been allowed. Claims 1 - 13, 15 - 17 and 19 - 27 stand rejected. Reconsideration of the rejection is requested as detailed below. By this Amendment only claim 26 has been amended, to correct its dependency.

Claims 1, 2, 4, 5, 6, 16, 19, 20 and 26 have been rejected under 35 USC § 102(e) as being anticipated by U.S. 6,680,935 to Kung et al. This rejection is based on the position that Kung et al. discloses each of the features as set forth in the claims, such as independent claim 1.

The invention utilizes a processor connected to a network monitor system. The processor receives data and sends voice packets (voice data) based on contact telephone data. This sending of voice packets is in the form of initiating a telephone call, namely initiating a telephone call that is internal to the system (such as to an extension) or initiating telephone call to an entity external to the network. External calls are, for example, via a public telephone system or the like. The invention is based on the concept that voice data packets can be saved and contact telephone data may be saved so that a network processor can initiate a telephone call based on the state of the monitored network. The voice data is linked with specific status data, fault data or error data to provide notification to an individual in the form of a telephone call.

The prior art as a whole fails to suggest these features. Specifically, the invention provides a network system, a network processor, system data storage and sets of data packets including contact telephone data and voice packets. The voice packets have human speech message content (see claim 1). The network processor receives alert data (including one or more of status data, fault data and error data) and selects administrator data packets (voice data and contact information data) based on a predefined correlation of the sets of administrator data with the alert data. This network processor then initiates a telephone call. This is a call in the traditional sense. The call may be to another entity on the network (e.g., to a telephone connected to the network or computer connected to the network) or it can be a call to an outside line. The receiver of the call gets a typical telephone call, namely upon accepting the call (for example picking up the handset) the voice packets, which include human speech message content, are heard. The invention presents a useful way for a network to be monitored and for an administrator to be alerted to changes in status, fault state, error state etc. The administrator is alerted with human speech message content.

Applicant's representative and the Examiner discussed the primary reference Kung et al. during a brief telephone discussion on May 10, 2005. Applicant's representative wishes to thank the Examiner for the courtesy of this interview.

As was pointed out, the Kung et al. reference discloses aspects of a packet based communication system and in particular Internet Protocol Telephony. Many of the aspects disclosed in Kung et al. relate to providing features which generally improve the overall use of the telephone devices. For example as pointed out at column 5 starting at around line 15

the data is packetized and formatted with one of the Internet Protocols (IP). It is noted that the packets may be distributed via gateways and the like by the use of an IP central station 200. This IP central station 200 may be configured to manage voice information between networks and the like. The IP central station may be configured to store various control and system information such as location, address and/or configurations of the gateways that are used.

Some of the functionality which is achieved according to the systems and features disclosed by Kung et al. include the use of an announcement server 220 (see column 8 lines 40 - 65). The announcement server sends messages for example in the case where the phone is detected to be in an off hook state. In the off hook state, the system can play an advertisement or other announcement to the user. These features discussed in Kung et al. relate to the user activating the telephone system, namely taking the phone off hook wherein some further steps happen such as advertisement messages are sent. Although the ability to play advertisements and the like is discussed in Kung et al., Kung et al. does not present a teaching or suggestion as per the combination of claim 1, namely the processor receiving alert data (status data, fault data, error data, etc.) selecting administrator data (voice packets having human speech message content with contact telephone data) and initiating a telephone call including sending the packets including sending voice packets to a contact telephone. There is clearly no teaching of this in Kung et al. and the discussion of an announcement server which provides information to a user, for example in an off hook situation (where the user is listening) does not suggest initiating the call with the processor based on a detected


problem or the like wherein the problem is correlated with saved messages.

Column 9 lines 31 - 38 has been referenced in the Office Action as presenting some of the features as specified in the claims. Although one or more prerecorded and/or predetermined announcements are mentioned (where the call manager establishes a connection to the announcement server where this announcement server plays the announcement), such playing of tones, busy signals and the like do not present a suggestion in the combination of features claimed. Kung et al. directs the person of ordinary skill in the art to a system which enhances the users experience but which requires that a user pick-up the telephone to engage in this experience. The features relating to the announcement server and the like include information to the called party such as an announcement that the number dialed is incorrect or the call did not go through as dialed. This does not relate to the combination of features claimed including initiating a telephone call. Enhancement, including providing information as to other numbers to reach a party etc., is not a suggestion of providing the combination of features as claimed. The call manager 218 of Kung et al. provides centralized call control for supporting call set-up and tear-down. However, this does not present a suggestion of the features of claim 1 as discussed above.

In summary, Kung et al. discloses several aspects of IP based or voice packet based telephone networks. Various functionalities are provided to enhance the experience of the user. However, Kung et al. fails to teach the crux of Applicant's invention and it does not direct the person of ordinary skill in the art toward the combination claimed in the independent claims, such as claim 1. Accordingly, Applicant respectfully requests that the

Examiner reconsider the rejection and allow the claims as now presented.

Respectfully submitted
For Applicant,

By: 
John James McGlew
Reg. No. 31,903

JJM:tf
70002.9

DATED: May 13, 2005
BOX 9227 SCARBOROUGH STATION
SCARBOROUGH, NEW YORK 10510-9227
(914) 941-5600

SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK
OFFICE IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT
ACCOUNT 13-0410.